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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/705,188

11/10/2003

Yining Deng

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22879 7590 11/24/2009

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Intellectual Property Administration

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EXAMINER

AN, SHAWN S

ART UNIT

PAPER NUMBER

2621

NOTIFICATION DATE

DELIVERY MODE

11/24/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/705,188	<b>Applicant(s)</b> DENG ET AL.	
	<b>Examiner</b> SHAWN AN	<b>Art Unit</b> 2621	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 July 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2-12 and 14-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-7, 11, 12 and 14-24 is/are allowed.
- 6) ☒ Claim(s) 8-10 and 25-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)         | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Response to Amendment***

1. As per Applicant's instructions as filed on 7/15/09, claims 2-8, 11-12, 14-16, and 18-24 have been amended, and claims 1 and 13 have been canceled.

### ***Response to Remarks***

2. Applicants' Remarks as filed 7/15/09 have been fully considered but they are not persuasive. The Applicant presents arguments of which the cited prior art references do not teach: A) the recited "while", and thus failed to make a *prima facie* case of obviousness.

However, after careful scrutiny of the cited prior art references, the Examiner must respectfully disagree, and maintain the grounds of rejection for the reasons that follow.

In response to the argument A), it is quite clear that all of the claimed limitations with respect to claims 8 and 25 have been met with the exception of the recited 'while'. However, a word "while" is nothing more than a conjunctive word to describe "at the same time or during the time a task being done". Therefore, the recited word "while" as having only consideration for novelty aspect of the claim limitation, is considered as lacking any patentable weight, since the word "while" is the only specific claimed limitation/word not disclosed by Mancuso et al, and defines to be nothing more than a conjunctive word, and obviously technical aspect of a novelty feature doesn't exist within the claimed conjunctive word "while".

Furthermore, the Examiner believes it is sufficient at this time just to take Official notice for the recited word "while", since the "while" exists in parallel processing and/or multi-tasking (inherently meets performing A "while" performing B), which is fundamentally/conventionally well known in the art. Furthermore, in response to Applicant's request for providing a reference to support a position of the recited "while", the Examiner points to a common dictionary definition of a word "while". Additionally, for further support, the Examiner decided to take Official notice position as above.

Moreover, Applicant asserts that performing the combining while capturing a panoramic image is different and better than what had been done in the prior art. The Examiner completely disagrees, the only limitation which would made different and better than what had been done in the prior art is once again the recited “while”, wherein the “while” can’t possibly make the claimed limitation different and better than what had been done in the prior art, since fundamental concept of parallel processing and/or multi-tasking inherently meets performing A “while” performing B, wherein the claimed limitations A (combining...,) and B (capturing...,) are clearly met.

In other words, any given patentable invention cant’s possibly be deemed as comprising at least one novelty feature, if and only if all of the considered invention has been met by prior art references with the sole exception of a conjunctive word "while", wherein the recited “while” clearly falls easily within multi-tasking and/or parallel processing concept(s).

Furthermore, the Examiner requests to the Applicant, where in the Applicant’s specification specifically discloses the claimed “while” limitation.

Therefore, since Mancuso et al clearly discloses combining the image strips into the panoramic image, and obtaining the series of image frames, it would have been considered contentiously obvious to one of ordinary skill in the art to derive/visualize for the camera to combine the image strips into the panoramic image while (considering multi-tasking) obtaining the series of image frames, since it would be very logical and time saving steps (since performing two tasks simultaneously such as in conventional parallel processing and/or multi-tasking) to follow in obtaining/generating a panoramic image (motivation emphasized using conventional scheme of parallel processing and/or multi-tasking).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 8-10 and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mancuso et al (6,717,608 B1) as previously discussed in the last Office action as filed on 4/15/09.

***Allowable Subject Matter***

5. Claims 2-7, 11-12, and 14-24 are allowed as previously discussed in the last Office action as filed on 4/15/09.

The prior art of record fails to anticipate or make obvious the novel features as previously discussed in the last Office action as filed on 11/29/07.

Accordingly, if the amendments are made to cancel rejected claims, then the application would be placed in a condition for allowance.

***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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7. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to *Shawn An* whose telephone number is 571-272-7324.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on 571-272-7418.

8. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/SHAWN AN/

Primary Examiner, Art Unit 2621

11/19/09